

Senate Bill 10

By: Senators Bulloch of the 11th, Rogers of the 21st, Balfour of the 9th, Stoner of the 6th, Sims of the 12th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the
2 local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide
3 that in each county or municipality in which package sales of only malt beverages and wine
4 by retailers is lawful, the governing authority of the county or municipality, as appropriate,
5 may authorize package sales by a retailer of malt beverages and wine on Sundays between
6 the hours of 12:30 P.M. and 11:30 P.M., if approved by referendum; to provide that in each
7 county or municipality in which package sales of malt beverages, wine, and distilled spirits
8 by retailers are all lawful, the governing authority of the county or municipality, as
9 appropriate, may authorize package sales by a retailer of malt beverages, wine, and distilled
10 spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if approved by
11 referendum; to provide procedures; to provide for applicability; to provide for related
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local
16 authorization and regulation of sales of alcoholic beverages on Sunday, is amended by
17 adding new subsections to read as follows:

18 "(p)(1) Notwithstanding other laws, in each county or municipality in which package
19 sales of malt beverages and wine by retailers are lawful, but package sales of distilled
20 spirits by retailers are not lawful, the governing authority of the county or municipality,
21 as appropriate, may authorize package sales by retailers of malt beverages and wine on
22 Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such Sunday sales of both
23 malt beverages and wine are approved by referendum as provided in paragraph (2) of this
24 subsection.

25 (2) Any governing authority desiring to permit and regulate package sales by retailers
26 of both malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30

27 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution
 28 or ordinance specifying the hours during such period when such package sales may occur.
 29 Upon receipt of the resolution or ordinance, the election superintendent shall issue the
 30 call for an election for the purpose of submitting the question of Sunday package sales
 31 by retailers of both malt beverages and wine to the electors of that county or municipality
 32 for approval or rejection. The election superintendent shall issue the call and shall
 33 conduct the election on a date and in the manner authorized under Code Section
 34 21-2-540. The election superintendent shall cause the date and purpose of the election
 35 to be published once a week for four weeks immediately preceding the date of the
 36 election in the official organ of the county. The ballot shall have written or printed
 37 thereon the words:

38 '() YES Shall the governing authority of (name of county or municipality) be
 39 authorized to permit and regulate package sales by retailers of both malt
 40 () NO beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30
P.M.?'

41 All persons desiring to vote for approval of package sales by retailers of malt beverages
 42 and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote 'Yes,'
 43 and all persons desiring to vote for rejection of package sales by retailers of malt
 44 beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall
 45 vote 'No.' If more than one-half of the votes cast on the question are for approval of
 46 Sunday package sales by retailers of malt beverages and wine on Sundays between the
 47 hours of 12:30 P.M. and 11:30 P.M., the resolution or ordinance approving such Sunday
 48 package sales by retailers of malt beverages and wine shall become effective upon the
 49 date so specified in that resolution or ordinance. The expense of the election shall be
 50 borne by the county or municipality in which the election is held. The election
 51 superintendent shall canvass the returns, declare the result of the election, and certify the
 52 result to the Secretary of State.

53 (3) Whenever package sales of malt beverages and wine on Sundays between the hours
 54 of 12:30 P.M. and 11:30 P.M. are authorized by a county or municipality pursuant to this
 55 subsection, Sunday package sales by retailers of malt beverages and wine may be made
 56 only by licensed retailers that are licensed to sell by the package.

57 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 58 of any other provisions of this title relative to the sale of malt beverages and wine by
 59 retailers.

60 (q)(1) Notwithstanding other laws, in each county or municipality in which package
 61 sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the
 62 governing authority of the county or municipality, as appropriate, may authorize package

63 sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the
 64 hours of 12:30 P.M. and 11:30 P.M., if such Sunday sales of malt beverages, wine, and
 65 distilled spirits are approved by referendum as provided in paragraph (2) of this
 66 subsection. If the governing authority seeks authorization for Sunday sales of alcoholic
 67 beverages pursuant to this subsection, the governing authority shall seek authorization of
 68 package sales by retailers of all alcoholic beverages, including malt beverages, wine, and
 69 distilled spirits, and not of only one type of alcoholic beverage.

70 (2) Any governing authority desiring to permit and regulate package sales by retailers
 71 of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M.
 72 and 11:30 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper
 73 resolution or ordinance specifying the hours during such period when such package sales
 74 may occur. Upon receipt of the resolution or ordinance, the election superintendent shall
 75 issue the call for an election for the purpose of submitting the question of Sunday
 76 package sales by retailers of malt beverages, wine, and distilled spirits to the electors of
 77 that county or municipality for approval or rejection. The election superintendent shall
 78 issue the call and shall conduct the election on a date and in the manner authorized under
 79 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
 80 the election to be published once a week for four weeks immediately preceding the date
 81 of the election in the official organ of the county. The ballot shall have written or printed
 82 thereon the words:

83 ' () YES Shall the governing authority of (name of county or municipality) be
 84 authorized to permit and regulate package sales by retailers of malt
 85 () NO beverages, wine, and distilled spirits on Sundays between the hours of 12:30
 86 P.M. and 11:30 P.M.?'

87 All persons desiring to vote for approval of package sales by retailers of malt beverages,
 88 wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.
 89 shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers
 90 of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M.
 91 and 11:30 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are
 92 for approval of Sunday package sales by retailers of malt beverages, wine, and distilled
 93 spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution or
 94 ordinance approving such Sunday package sales by retailers of malt beverages, wine, and
 95 distilled spirits shall become effective upon the date so specified in that resolution or
 96 ordinance. The expense of the election shall be borne by the county or municipality in
 97 which the election is held. The election superintendent shall canvass the returns, declare
 98 the result of the election, and certify the result to the Secretary of State.

99 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
100 between the hours of 12:30 P.M. and 11:30 P.M. are authorized by a county or
101 municipality pursuant to this subsection, Sunday package sales by retailers of malt
102 beverages, wine, and distilled spirits may be made only by licensed retailers that are
103 licensed to sell by the package.

104 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
105 of any other provisions of this title relative to the sale of alcoholic beverages by retailers."

106 **SECTION 2.**

107 All laws and parts of laws in conflict with this Act are repealed.